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ABSTRACT

This document presents many of the federal, state, and New York City laws that apply to the health, safety, and environmental conditions of schools. The relevant portions of the law have been selected along with the mechanisms of legal enforcement that may exist and contact information where applicable. Legislative categories covered include air quality, toxic substances, and chemicals; asbestos; athletic equipment; washrooms; boarding; school buildings; buses, vehicles, traffic, and transportation; drugs and alcohol around educational facilities; fire safety; food and nutrition; student health; and lighting and radiation. Also included are laws governing plans for future educational facilities grants, recreational areas and playgrounds, pest control, sanitation, smoking, and ventilation. (GR)

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ED 436 949

Overview of Federal, New York State and New York City Law regarding Environmental Health and Safety in Schools

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EF 005 648

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An explanation of what this is…

We send our children to school for six hours every day. When we say, "Good-bye," to them in the morning, we hope that they will go to school, learn, hang out with friends, and come home safely. We worry about them joining gangs, experimenting with drugs, and getting involved or being victims of other dangerous incidents. What we don't think about, is whether or not the school building itself is safe. Are there places where asbestos is exposed? Does the water contain lead? Is the building well-ventilated? Do pests live in the walls? We probably should. Children are more vulnerable than adults to environmental hazards because, proportionally, they breathe, eat and drink more than adults; as a result children absorb more environmental pollutants. Because their bodies are still developing, they are also more at risk of developing a chronic disease as a result of exposure to environmental toxins than adults.

Listed below are many of the federal, state, and New York City laws that apply to the health, safety and environmental conditions of schools. The relevant portions of the law have been pulled and written into a simplified language, with their overall intentions preserved as much as possible through the translation. In addition, an attempt has been made to locate any mechanisms of legal enforcement that may exist. This memo was the most comprehensive we know of, but it still does not cover all laws that might apply to school environmental health and safety. We encourage readers to use this memo as a jumping off point and conduct further research in the particular areas in which you are investigating. Please feel free to fill us in by contacting us at info@advocatesforchildren.org on any helpful laws or law enforcement mechanisms that you may come across. This list is intended to be a starting point for improving

the conditions of the schools by working to get the well-intentioned laws enforced. Phone numbers of people and organizations that are willing to help or that specialize in that area are provided after most sections below. These numbers are meant for the use of both you and parents, whoever it is that is acting to abate dangerous situations. We have placed an asterisk next to organizations that we think would be particularly helpful to contact. Please be advised that before contacting any of these organizations, we believe that it is best to try to work through the school—either by contacting the principal, a member of the school management team, and/or the custodian. Again, if you know the number of anyone or any organization that would be a good contact for dealing with these issues, please let us know.

When the laws are all read together, they create a pleasant vision of how schools should be—clean, spacious, well-maintained. Unfortunately, as is painfully clear, too often that is not the case. Hopefully through the use of this memo, progress can be made towards getting at least some of the worst problems resolved.

Air Quality/Toxic Substances/Chemicals:
There are no State or federal requirements for schools to test the quality of their indoor air. No standards for indoor contaminant levels are established for children. Standards have only been developed for employees (PESH).

State:
NY CLS Labor §876: Notice requirements: Notice requirements to employees and representatives regarding toxic substances. Every employer shall post a sign in every workplace at the location or locations where notices to employees are normally posted, to inform employees that they have a right to information from their employer regarding the toxic substances found in the workplace and a description of the toxic effects of these substances and the circumstances under which these effects are produced. It is the employer's responsibility to obtain information relating to toxic substances from: the manufacturer; the New York state Chemical Substances Information Network; and the Health Hazard Evaluation Program of the National Institute of Occupational Safety and Health. Employers must make available all information about toxic substances information program. Provision of information to an employee shall not in any way affect the liability of an employer with regard to the health and safety of an employee or other persons exposed to toxic substances, nor shall it affect the employer's responsibility to take any action to prevent the occurrence of occupational disease as required under any other provision of law.
Enforcement: None

8 NYCRR 155.1(b)(3)(ii): Educational facilities: Each teaching space shall be provided with a controlled supply of fresh air such that there is an avoidance of odor-build-up or concentration of toxic substances and dust particles.
Enforcement: None

12 NYCRR §800.5: Possible Exposure Limits: Sets out acceptable limits of exposure of all toxic substances
Enforcement: None

12 NYCRR §820.3: Notice and information requirements: Notice relating to toxic substances must be posted conspicuously in the form of a legible sign. If an employee or a representative of one or more employees has not received the information required by Labor Law v876(7), the employee(s) cannot be forced to handle, use, or remain in risk of exposure to the toxic substance until the information is provided by the employer.
Enforcement: None

Public Advocate's Report "Construction v. Children":
DEP can issue fines and order correction of odor, dust or other pollution problems if it "may cause detriment to the health, safety, welfare or comfort of any person." NYC Admin Code 24-141

Who to Contact:

Board of Education, Office of Occupational Health and Safety: 718-935-2319 (They must be contacted by a principal, district office, or parents' association. If you are having an air quality problem at your school, ask someone to contact this office and they will investigate.)
* Board of Education, Office of Environmental Health and Safety, 718-391-6475 (Contact your custodian before contacting this office so that you can be sure that the problem is not one the custodian can handle. They will investigate and take air quality samples.)
NYC Dept of Health, Asthma Action Line: 1-877-ASTHMA-0 (They don't actually deal with schools, but they're a good place to contact for general asthma problems)
NY DEC: 718-482-4900 (for outdoor air quality problems only)
NYC DEP air quality unit: 212-312-8950 (I've tried calling and it sounds like someone picks up and then hangs up—you can try and maybe have better luck then me)
NYC DOH Window Falls Prevention Program (don't call because they only deal with residential window guards and not school window guards)
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
Office of Transportation Services 718-392-8855 (for idling buses causing air problems)
* State Department of Labor (overseas public employee safety rules, including airborne chemical toxins; investigates complaints; should be contacted by a public school employee and not by a parent or guardian)

New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

Indoor Air Quality Information Clearinghouse: 1-800-438-4318
American Lung Association: 1-800-LUNG-USA

Asbestos:
Federal:
20 USC Chapter 52, Subchapter V: Asbestos School Hazard Abatement: directs the Administrator of the EPA to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools.

20 USC 3601: Asbestos School Hazard Detection and Control: This chapter directs the Secretary of Education to establish a task force that will work with states and local educational agencies to discover the extent of the danger to the health of school children and employees from asbestos exposure in the schools. It requires states to prepare a plan for dispensing information about these programs to the local educational agencies. It provides for scientific, technical, and financial assistance to state educational agencies to enable them to conduct asbestos detection programs to identify asbestos hazards in schools. It also provides for loans to local educational agencies to help mitigate asbestos hazards and protects whistle blowers.
Enforcement:
20 USC 3604: No grant may be made under this section unless an application has been submitted

to and approved by the Secretary, after consultation with the Task Force. The Secretary may not approve an application unless the application contains assurances that the program shall be carried out in accordance with standards established by the Secretary under section 7(a)(1) and that any party employed to conduct such testing shall satisfy the competency standards established under such section

20 USC 3608: Employee protection: No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

40 CFR 763: EPA Asbestos in Schools Rule (AHERA): Requires local education agencies to identify friable and nonfriable asbestos-containing material in schools by visually inspecting schools, sampling materials, and having sampled materials appropriately analyzed through techniques referred to in this rule. The rule requires local education agencies to submit management plans to the Governor of their state and complete the implementation of the plan in a timely manner. Only accredited people can do these inspections. The rule also implements a record-keeping requirement. Further, the rule stipulates that local education agencies must provide for the transportation an disposal of asbestos in accordance with EPA's "Asbestos Waste Management Guidance." At least once every three years, the school must perform an asbestos reinspection of all known or assumed asbestos building material.
Enforcement: 40 CFR 763.97: Compliance and Enforcement: Outlines penalties for violations, including failure to comply with mandatory inspections. Criminal penalties can be brought against any person who willingly violates the law. Also permits injunctive relief and citizen complaints.

State:
NY CLS Education 3602-a: Public schools must submit a report on the condition of asbestos to the Commissioner once every three years

NY CLS Labor 900: Article 30: Asbestos or Products Containing Asbestos; Licensing: This contains sections addressing proper training and certification for people involved in asbestos projects prior to the removal, enclosure, encapsulation or disturbance of friable asbestos or any handling of asbestos material which may result in the release of asbestos fiber.
Enforcement: NY CLS Labor 900: This also gives the commissioner authority to inspect ongoing asbestos projects and to promulgate and enforce safety and health standards regulating the conduct of those projects through injunctions, and the imposition of civil and criminal penalties.
19 NYCRR 441.2(d): The state education department must administer and enforce the New York State Uniform and Fire Prevention and Building Code with respect to buildings, premises, and equipment in the custody of or activities related there to.

10 NYCRR Part 73: Asbestos Safety Training Program Requirements
Enforcement: 10 NYCRR 73: NY State Department of Health must approve asbestos safety

training programs

12 NYCRR 56: Requires licensing of asbestos contractors, establishes asbestos work standards, requires the State Labor Dept to be notified of large asbestos projects and creates an asbestos project inspection and enforcement program
Enforcement: The State Labor Department makes site visits and issues citations, to insure work practices are conforming to12 NYCRR 56. (Environmental Quality of Schools, Regents Advisory Committee on Environmental Quality in Schools)

State Labor Law Article 30 Sec 904 and Code Rule 56-1.8 require asbestos contractors to post or otherwise provide written communication to school building faculty, staff, and students. (Environmental Quality of Schools, Regents Advisory Committee on Environmental Quality in Schools)

City:
15 RCNY Chapter 1: Asbestos Control Program

Public Advocate's Report, "Construction vs. Children":
The City DEP has authority to conduct inspections and issue citations to enforce both City and State asbestos work standards. NYC Admin Code 24-146.2
The federal EPA enforces asbestos management standards under the Clean Air Act, but these provisions do not include as many requirements on safe containment and public notice as the regulations enforced by the City DEP. 40 CFR 61.145
In schools, the UFT's representative has the right to make on-site inspections of renovation work, including asbestos abatement work. UFT Boilerplate Protocol

Who to Contact:
*Board of Education Office of Environmental Health and Safety: 718-391-6475 (Contact your custodian before contacting this office so that you can be sure that the problem is not one the custodian can handle. They will investigate and test for asbestos)
* NYC DOH Bureau of Environmental Investigation: 212-442-3372 (will investigate situation)
NYS DEC: 718-482-4900 (for disposal, not removal problems)
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
* State Department of Labor (overseas public employee safety rules, including asbestos; investigates complaints; should be contacted by a public school employee and not by a parent or guardian)

State Department of Labor
New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

Environmental Protection Agency (enforces AHERA)

National Emission Standard for Hazardous Air Pollutants Program
EPA
290 Broadway
New York, NY 10007
212-637-4042

Athletics/Equipment:
State:
NY CLS Educ 409c: Athletic Safety equipment: Batboys and batgirls must wear protective headgear at all times when the game is in play.
Enforcement: None

NY CLS Education 3001-b: First aid instruction mandatory for coaches of extracurricular public school athletic activities. Prior to the start of each sports season, coaches must provide valid evidence to their chief school officer that their first aid and adult CPR knowledge and skills are current pursuant to the requirements established by the American National Red Cross or that they meet equivalent requirements as certified by the commissioner
Enforcement: None

Bathrooms/Lavatories/Washrooms:
State:
8 NYCRR 155.1(b)(4)(ii): Educational facilities: Toilet rooms shall have an adequate number of toilets.

City:
24 RCNY Health Code §49.07: Physical facilities: Schools shall have at least two wash basins. There shall be one wash basin for every 50 children or fraction thereof in schools having 300 children or fewer, and in schools having more than 300 children there shall be six wash basins for the first 300 children, and one additional basin for every 100 additional children or fraction thereof.
Enforcement: None

24 RCNY Health Code §45.11 Physical facilities:
f) Drinking water shall be available near classrooms and playrooms and easily accessible to the children. Except when bubbler fountains are used, individual drinking cups shall be provided w/i reach of the children. If bubbler fountains are used, they shall be of the angle jet type with suitable guards and shall have water pressure which is sufficient to raise the water high enough above the spout to avoid contamination.
i) Toilets shall be provided convenient to playrooms and class rooms. In a lavatory for boys six years of age and over, urinals may be substituted for not more than one-third of the number of toilets required. When such substitution is made, one urinal shall replace one toilet so that the total number of toilets and urinals shall in no case be less than the number of required toilets. Toilets and urinals shall be of such height and size as to be usable by the children without

assistance.
j) Separate lavatories shall be provided for boys and girls six years of age and over, and a partition of no less than five feet six inches high shall separate the toilets in such lavatories. In new schools, separate lavatories shall be provided for the persons in charge, staff and other employees.
k) Wash basins with an adequate supply of hot and cold running water shall be provided in or adjacent to lavatories. When an extended wash basin with several faucets supplying water is used, each faucet shall be considered as meeting the requirement for one wash basin.
l) Plumbing shall be installed only by a licensed master plumber and shall be free of cross-connections and other hazards to health.
Enforcement: None

24 RCNY Health Code §45.13: Equipment and furnishings: e) Soap and individual paper or cloth towels or sanitary dryers shall be provided adjacent to wash basins and within easy reach of the children. If combs or washcloths are provided, each child have such articles for his/her exclusive use.
Enforcement: None

24 RCNY Health Code §49.07: Physical facilities:
School shall provide, for use by children, the number of toilets prescribed by §C26-1279.0 of the Administrative Code. Urinals may be provided pursuant to §45.11(i).
Enforcement: None

Who to Contact:
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
NYC Dept of Health Complaints Hotline: 212-442-9666

Boarding:
City:
24 RCNY Health Code §49.11: Boarding of children on school premises:
a) No child under 6 shall be boarded on school premises. Children between 6 and 16 shall not be boarded unless school receives written approval of the Department. For the Department to approve, the occupancy must be approved by the Department of Buildings and the Fire Department.
b) When a child who is boarded at a school presents a health problem, is injured, or becomes ill and requires medical care, he shall be examined and treated by a physician, and, if possible, his parents or guardian shall be notified immediately.
c) When children are boarded at a school, the sleeping accommodations and facilities required by §51.11 shall be provided.
d) Except during rest periods, no classroom shall be used for sleeping or living purposes.
Enforcement: None

Boilers:

State:
NY CLS Labor §204: Inspection of boilers; enforcement; fees; identification; exceptions: All boilers must be inspected once each year except boilers inspected and insured by a duly authorized insurance company.
If the commissioner judges the boiler to be unsafe or in a dangerous condition the commissioner shall order the use of the boiler discontinued until such dangerous and unsafe condition has been remedied.
Enforcement: NY CLS Labor §216: Failure to pay statutory inspection fees: Any person who fails to pay for a boiler inspection or for the inspection of a place of public assembly shall be subject to the penalty of paying three times the amount specified in the written notice.

City:
1 RCNY Chapter 2: Low pressure Boiler Inspections by Qualified Boiler Inspectors and Welding Repairs by Certified Welders/ Reduction of penalties for late Filing of Annual Low Pressure Boiler Inspection Reports
Enforcement: None

Who to contact:
NY DEP: if burning oil or chemicals are causing problems: 718-482-4900
* Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
State Department of Labor (overseas public employee safety rules, investigates complaints; should be contacted by a public school employee and not by a parent or guardian):
Division of Safety & Health office
New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

Building:
State:
NY CLS Educ 408: Plans and specifications of school buildings must be approved by commissioner of education. The commissioner of education shall not approve the plan for the erection or purchase of any school building or addition thereto or remodeling thereof unless the same shall provide for heating, ventilation, lighting, sanitation, storm drainage and health, fire and accident protection adequate to maintain healthful, safe and comfortable conditions therein. In a city having a population of over one million, all designing, draghting, and inspecting necessary in connection with the construction, additions to, alterations and maintenance of schoolhouses shall be performed by a bureau established and maintained for this purpose under the board of education.
Enforcement: None

City:

24 RCNY Health Code §45.11 Physical facilities:
a) School shall not be conducted in a factory. Mercantile or business building, unless the premises are approved by the Department. Such approval shall not granted unless the premises and the area surrounding the premises are free from fire, traffic or other safety hazards.
b) A child shall not be kept for any period of time in a cellar without the prior approval of the Department unless the cellar or basement is being used for a lunchroom, or other eating place, for a lavatory or as a washroom.
e) A lighted and ventilated room shall be provided, sufficient in size and arranged so that each child's garments may be hung separately and w/i reach of the child.
g) Walls, ceilings, and floors shall be finished so that they may be cleaned readily. The premises, furnishings and equipment shall be kept clean. Rooms other than workshops cannot be cleaned while children are in them. No room used for children shall be cleaned by dry sweeping.
Enforcement: 24 RCNY Health Code §131.01: Violations; responsibility: The owner, agent, lessee, tenant and occupant of a building shall be jointly and severally liable for the existence in a building of a nuisance, filthy or unsanitary condition, or condition dangerous to life or health, or violation of any provision of this article, insofar as they have the power to prevent or abate such condition or violation. Such persons shall comply with an order of the Department of Health or the Department of Buildings to remove a nuisance, dangerous or unsanitary condition or violation of this article

Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

Buses/Vehicles/Traffic/Transportation:
State:
NY CLS Vehicle and Traffic 1180: Basic rule and maximum limits: Whenever maximum school speed limits have been established on a highway adjacent to a school, no person shall drive in excess of such maximum school speed limits during school days between the hours of 7AM and 6PM.
Enforcement: NY CLS Vehicle and Traffic 1180: Sets out fine and length of imprisonment scale based upon speed exceeding the limit.

NY CLS Vehicle and Traffic 383: Safety belts and anchorage assemblies: It is unlawful to permit a motor vehicle used to transport children to and from school to be used unless the driver's seat is equipped with a seat safety belt. Every school bus manufactured after July 1, 1987 shall have passenger seats equipped with seat belts and increased seat back padding on passenger seats.
Enforcement: NY CLS Vehicle and Traffic 383: Any owner who permits a motor vehicle to be operated without safety belt can be punished by a fine not exceeding fifty dollars.

City:
24 RCNY Health Code §45.11 Physical facilities: Approval for school site will not be granted if the premises are not free from traffic.
Enforcement: None

NYC Admin. Code 24-163: Operation of motor vehicle; idling of engine restricted: Motor vehicles cannot idle for longer than three minutes while parking, standing or stopping. When the temperature is greater than 40 degrees Fahrenheit, buses are not allowed to idle for any time at all—whether it be while parking, standing, or stopping at any terminal point along the route.
Enforcement: None

C.R. A-805: Transportation of Special Education Pupils by Bus
IIB. The principal shall schedule 3 bus drills each year. Teachers should regularly go over bus safety with students including rules for boarding, riding, conduct and exiting the bus.

C.R. A-806: Student Bus Drills: Outlines the procedures for a bus drill

* Office of Transportation Services 718-392-8855 (for idling buses causing air problems, or any other bus safety issues)
NY DEP: 718-DEP-HELP

Condemning a bldg.:
State:
NY CLS Educ 412: Condemnation of schoolhouse and erection of new schoolhouse in place thereof: a district superintendent, upon the direction of the commissioner, may make an order condemning a school house, if he or she finds upon examination that such schoolhouse is completely unfit for use and not worth repairing. The order is to be given to the trustees of the district and to the commissioner. The trustees must have a meeting to discuss the building of the new schoolhouse.
Enforcement: None

Drugs/Alcohol:
Federal:
21 USC Sec. 860: You cannot distribute, possess with an intent to distribute or manufacture a controlled substance in or on, or within 1000 ft of, the real property compromising a public or private elementary, vocational, or secondary school or a public or private college, junior college or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade.
Enforcement: 21 USC 860: If you violate this you are subject to twice the maximum authorized punishment.

State:
NY CLS Al Bev § 64-a. Special license to sell liquor at retail for consumption on the premises: No special on-premises license shall be granted for any premises which is within two hundred feet of a building occupied exclusively as a school.
Enforcement: None

Electric Doors:

State:

NY CLS Educ 409d: Electrically operated partition and door safety: Where classrooms or other facilities used by students are found to have electrically operated partitions, doors or room dividers notice must be provided regarding the safe and proper operation and supervision of the electrical device.

Enforcement: None

Equipment/Furnishings:

State:

NY CLS Educ 409a: Eye safety devices for certain students and teachers will be provided for shops and laboratories which need them to protect the eyes from hazards such as hot solids, kiln firing, milling and sawing, and the servicing of a vehicle. All visitors to these shops and laboratories will be given protective eyewear as well.

Enforcement: None

City:

24 RCNY Health Code §49.09: Equipment: In classrooms other than art rooms, laboratories, gymnasiums, and workrooms, the seats shall be provided with backs. Seats and desks shall be of such size and design as to encourage good posture.

Enforcement: None

24 RCNY Health Code §45.13: Equipment and furnishings:

a) All equipment and furnishings used shall be readily washable or otherwise easily cleaned. Furnishings which are likely to collect excessive amounts of dust, such as heavy draperies, upholstery or carpets, shall not be used in rooms occupied by children, but such furnishings may be used for educational purposes if they are kept clean.

b) Tables and chairs and other equipment shall be appropriate for the size and needs of the children who use them and shall be readily washable.

Enforcement: None

C.R. A-732: Incorporates Commissioner of Education Reg 141.10: Goggles are to be worn by all pupils, teachers and visitors when observing or engaging in activities which involve materials that could harm the eye such as hot solids and liquids, milling and sawing, and welding.

Enforcement: None

Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

Enforcement, General:

State:

NY CLS Labor 200: General duty to protect health and safety of employees; enforcement: If the commissioner finds that any machinery, equipment, or device in any place to which this chapter

applies is in a dangerous condition, or finds that any area to which this chapter applies is in a dangerous condition, he may attach a notice to such machinery, equipment, or device, or post a notice in such area warning all persons of the danger. Such notice shall prohibit the use of such machinery equipment, or device or prohibit further work in or occupancy of such area until the dangerous condition is corrected and the notice is removed by the commissioner. Upon receipt of a written notification from the employer that the dangerous condition has been corrected, the commissioner shall make a reinspection within ten working days, and if the commissioner finds that the dangerous condition has been corrected, he shall remove the notice. The filing with the board of a petition for a review of the validity and reasonableness of the commissioner's order shall not stay further proceedings. Whenever a notice is attached or posted the attorney general may institute a proceeding to stop the use of such machinery, equipment, or device, or stop further work or occupancy of such area.

NY CLS Labor §210: Proceedings for nonenforcement: Those with a duty to act according to the regulations, who violate, evade or knowingly permit the violation of any of the provisions of this chapter (Labor 200-219), shall be guilty of malfeasance in office.
Enforcement: NY CLS Labor §210: Any citizen of this state may maintain proceedings for the suspension or removal of such officer, agent or employee who knowingly permits the violation of any of the provisions in the labor law chapter

NY CLS Labor §211: Protection of employees: The commissioner shall co-operate with any employee in the enforcement of a just claim against his employer and for his protection against frauds and other improper practices on the part of any person public or private.

NY CLS Labor §214: Criminal prosecution: The attorney-general may prosecute every person charged with the commission of a criminal offense in violation of this chapter, or of any rule, regulation or order made thereunder, or in violation of the laws of this state, applicable to or arising out of any provision of this chapter or any rule, regulation or order made thereunder.

NY CLS Labor §215: Penalties; employer who penalizes employees b/c of complaints of employer violations: Any employer or his agent, or the officer or agent of any corporation, who discharges, penalizes, or in any other manner discriminates against any employee because such employee has made a complaint to his employer, or to the commissioner or his authorized representative, that the employer has violated any provision of this chapter, or because such employee has caused to be instituted a proceeding under this chapter, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

NY CLS Public A §1744: No action or proceeding for any cause whatever, other than the one for personal injury, death, property damage or tort, which shall be governed by subdivision one of this section, relating to the design, construction, reconstruction, improvement, rehabilitation, repair, furnishing or equipping of educational facilities, shall be prosecuted or maintained against the authority or any member, officer, agent, or employee thereof, unless the claim was presented to the board w/i three months of the accrual of the claim.

NY CLS Labor 21: General Powers of Commissioner: Commissioner shall enforce all the provisions of this chapter and may issue such orders as he finds necessary for directing compliance with any provisions of this chapter. The Commissioner shall also cause proper investigation to be made of all matters prescribed by this chapter.

Fire Safety:

State:

NY CLS Educ 807: Fire drills: It is the duty of the principal or other person in charge of the school to have twelve fire drills each school year. If one of these drills does not occur during lunch, than students need to be instructed on the procedure to follow if a fire does occur during lunch. If there is summer school at a school, then two fire drills should be held, one in the first week of summer school. If there is an after-school program in the school building, attended by people who don't regularly attend classes in the building, then the person in charge of the event, at the beginning of the event, must instruct the audience on what to do in the event of a fire.
Enforcement/Punishment: NY CLS Educ 807: Neglect by any principal or person in charge to comply with the provisions shall be a misdemeanor punishable at the discretion of the court by a fine not exceeding $50. the fine is to go to the pension fund of the local fire department where there is such a fund.

NY CLS Educ 808: Instruction in fire and arson prevention: the commissioner of education must provide and prescribe a course in fire and arson prevention relating to the protection o life and property against loss or damage as result of a criminally initiated or other preventable fire. Such instruction shall be given to all students in every school for a period of not less than 45 minutes in each month school is in session.
Enforcement: None

City:

3 RCNY §34.02: Life Safety Requirements for Schools with Physically Handicapped Students:
b) The principal must prepare a written fire drill and evacuation plan and submit it to the Bureau of Fire Prevention for evaluation and approval. A copy of the evacuation plan shall be kept in the principal's office and in the custodian's office. All personnel employed in the school shall be trained in the procedures outlined in the Fire Drill and Evacuation Plan.
c) Non-ambulatory students are not permitted to be in the basement or cellar of the school unless the entire area is fully sprinklered by a wet automatic sprinkler system.
d) Holding areas shall be provided on each floor above and below grade level where occupancy by non-ambulatory students is to be permitted.
e) The auditorium should be able to accommodate all wheelchairs.
f) All elevators should be equipped with firemen service keys to conform with Fire Department requirements.
g) Interior Fire Alarm system should have visual warning signals in addition to the audible warnings. The visual warnings should be visible from any location in the corridors and in unsupervised rooms occupied by handicapped students.
Enforcement: 24 RCNY Health Code §3.05: Inspection of places where services for children are

provided.: Without limitation of the Department's general power to inspect pursuant to §3.10, a building, premises or other place where a child under 16 years of age receives care, instruction, education, recreation or other service while not under the supervision of a parent, stepparent, grandparent, brother, sister, uncle, aunt, first cousin, stepbrother, stepsister, niece or nephew, may be inspected by the Department at a reasonable time in order that the health and safety of the children may be protected.

24 RCNY Health Code §49.03: Building and fire laws: No school shall be operated or maintained unless it has obtained a certificate of occupancy or has received a statement from the Department of Buildings that the school premises comply with all applicable building laws. No school shall be operated and maintained unless it also has a statement from the Fire Department that the school premises meet all applicable laws and regulations pertaining to fire control.
Enforcement: 24 RCNY Health Code §3.05

1 RCNY §28.01: Required Smoke Detecting Devices and Systems: All School Dormitory Buildings are to be equipped with approved smoke detecting devices, unless there are operational automatic wet sprinkler systems.
Enforcement: 24 RCNY Health Code §3.05

2 RCNY §8.01: Installation of Interior Fire Alarm Signal Systems: All public schools shall have fire alarms. If the building requires a manual fire alarm signal, there should be at least one location to pull the alarm on each story of the building, and located in the natural, unobstructed path of escape. In addition, audible alarms should be sufficient in number to be heard by all occupants of the building. The alarm system should be tested regularly and the alarms shall be kept in good working order
Enforcement: 24 RCNY Health Code §3.05

24 RCNY Health Code 45.09e: Staff: All employees shall be regularly instructed in the protection of children during emergencies such as accidents, fires or air raids.
Enforcement: 24 RCNY Health Code §3.05

Who to Contact:
*Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
New York City Fire Department Inspection Unit (empowered to conduct safety inspections of buildings to determine whether any conditions are present which violate the City Fire Code or create a fire safety hazard, and to order correction of any such violation, any refusal to permit such entry or inspection shall be triable by a judge of the New York City criminal court and punishable by not more than 30 days imprisonment or by a fine of not more than $50 or both. NYC Charter Sections 491 and 492)

New York City Fire Department Inspection Unit
250 Livingston Street
Brooklyn, NY 11201

City Department of Buildings (Can inspect construction work, machinery and equipment. If it finds a dangerous condition that is "detrimental to life or health" it can order it abated or can cause the building to be vacated—this includes "the overcrowding of persons therein, defects in

the construction, or deficiencies in fire alarm, or fire extinguishing equipment or fire escape equipment." NYC Admin Code 26-127, 26-216, 26-217, 26-219)

City Department of Buildings
60 Hudson Street
New York, NY 10013
212-312-8000
Complaint Lines:

Bronx	718-579-6906
Brooklyn	718-802-3681
Manhattan	212-312-8529
Queens	718-520-3402
Staten Island	718-816-2211

Flammable Items:

City:

3 RCNY §34.01: Storage and use of Limited Quantities of Chemicals, Acids, and Flammables for Instruction Purposes in Public High Schools:

No liquid chlorine may be stored in any school.

No more than 25 pounds of potassium and/or sodium chlorate is permitted to be stored.

No chemicals or substances as listed under §§27-4240 and 27-4234 of the Administrative Code should be stored in a school.

Chemicals cannot be stored in close proximity to each other is they are explosive in nature, or if they may react upon each other in such a manner as to cause an explosion.

Acids must be stored in containers placed on the lowest shelves of soapstone cabinets or within crockery or earthenware containers. A bucket filled with sodium bicarbonate or soda and ash must be near the location of stored acids.

Safety cans must be provided for the storage of volatile flammable oils.

Dangerous chemicals, volatile flammable oils and liquids must be stored in metal cabinets that are vented at the top and bottom.

Suitable fire extinguishers must be present.

Schools which use large quantities of dangerous chemicals, acids and/or flammable oils or liquids are not included in these regulations and applications for permits from such school should require special investigation by the Fire Department.

Enforcement: None

3 RCNY §22.01: Storage of Flammable Plastic Foam Products: No permit shall be granted by the Fire Commissioner for the storage of more than 1,000 lbs. of flammable plastic foam products in a building situated only 50 feet from the nearest wall of a school.

Enforcement: None

3 RCNY 28-02: Temporary Paint Storage Rooms in Schools of the Board of Education:

Application must be filled out by contractor. Room must be well-ventilated and lit with incandescent lights with stationery fixtures. There must be a fire extinguisher and self-closing

flammable waste can. "No smoking" signs must be displayed.
Enforcement: None

Who to contact:
*NY DEC: for disposal of toxic materials: 718-482-4900

Fiscal/Money/Tax
State:
NY CLS Labor §720: Findings and policy: Heads of labor movement have a fiduciary duty to serve the members of the union honestly and faithfully. Abuses of fiduciary duties have harmful effects on the general welfare, health and safety of employees and the public.
Enforcement: None

NY CLS Tax §1212-A ???

Food/Nutrition:
Federal:
42 USCA 1769b-1: Training, technical assistance, and food service management institute: Sets out minimum requirements for menu planning and food service, including provisions for a management training course to discuss safety in food prep and handling
Enforcement: 42 USCA 1769c: Compliance and accountability: Such system shall be established through the publication of regulations and the provision of an opportunity for public comment. It will further be enforced through reasonable audits and supervisory assistance reviews by state educational agencies.

42 USCS § 1758: Food safety inspections: a school participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections. This does not apply to a school if a food safety inspection of the school is required by a State or local governmental agency responsible for food safety inspections.
Enforcement: None

City:
24 RCNY Health Code §45.15: Care and preparation of food:
b) The food supplied to children shall be wholesome, of good quality, properly prepared, sufficient in amount, varied according to a diet approved by the Department of Health or the State Department of Social Welfare and served at regular hours.
c) Milk shall be kept at a temperature below 50 degrees Fahrenheit.
d) A child under 12 years of age shall not be permitted to remove the caps from bottles or containers of milk intended for other persons or permitted to assist in the dispensing of milk except under adequate supervision.

Enforcement: None

24 RCNY Health Code §181.07: Common eating and drinking utensils prohibited: The use or furnishing of common eating or drinking utensils is prohibited in schools.
Enforcement: None

24 RCNY Health Code §111.61: Labeling of containers: No milk or milk product can be possessed, stored, offered for sale, sold, given away or distributed unless the container or bottle is properly labeled.
Enforcement: None

Who to contact:
*Division of School, Food and Nutrition Services 718-729-6100
NYC DOH: Nutrition Information: 212-566-1198 or 212-442-1846
NYC Dept of Health Complaints Hotline: 212-442-9666
USDA'a Meat and Poultry Hotline: 1-800-535-4555
FDA's Food Information Seafood Hotline: 1-800-332-4010

General Safety:
State:
NY CLS Educ 409d: Comprehensive public school building safety program: The commissioner must establish, develop, and monitor a comprehensive public school building safety program which shall include a uniform inspection, safety rating and monitoring system. The program will include annual inspections of all school buildings and will develop a safety rating system to assess the need for repairs and improvements.
Enforcement: None

NY CLS Educ 2554(4): Powers and duties of board of education: To have the care, custody, control and safekeeping of all school property not specifically placed under the control of some other body and to prescribe rules and regulations for the preservation of such property.

8 NYCRR 155.1(b): Educational facilities: Facilities shall be designed and constructed to provide for the health and safety of occupants, with consideration of educational and planning efficiency, conservation of natural resources, practicality, and initial and long-range economy, and shall support an environment within the facility which is conducive to learning.

12 NYCRR §801.11: Posters for Public Employees: Each employer shall post and keep posted in each establishment a poster providing information relating to the job safety and health protection afforded to public employees by the provisions of the labor law.
Enforcement: None

City:
24 RCNY Health Code 45.13

d) A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided and shall be easily accessible for use. The first aid kit shall be kept out of the reach of young children.
Enforcement: None

NYC Admin Code 17-142: Definition of nuisance: Makes everything that is a nuisance illegal. The word "nuisance" includes everything that is dangerous to human life or detrimental to health. This includes overcrowded buildings, buildings without proper entrances and exits, and inadequately ventilated, sewered, drained, cleaned or lit buildings. It also includes anything that might make air or human food and drink unwholesome.
Enforcement: NYC Admin Code 17-143: Nuisances; punishment: It is a misdemeanor to wilfully refuse to follow an order by the DOH to abate a nuisance.
NYC Admin Code 17-144: Nuisances; who is liable: There is joint and several liability for anyone who is involved with a building—either the owner or occupant—to keep the sewerage, drainage and ventilation of the building in such a condition that it won't be dangerous to the life or health of anyone.
Enforcement: NYC Admin Code 17-143

C.R. A-770: Civil defense, shelter drills and school plans for neighborhood disasters: Three shelter drills are to be held during the school year.
Enforcement: None

Who to Contact:
NYC Dept of Health Complaints Hotline: 212-442-9666

Hazardous Waste Sites
State Education Department's *School Site Standards, Selection, and Development Manual*
NYS DOH inspects hazardous waste sites and identifies potentially exposed sensitive populations, such as schools.
NYS DOE reviews State Environmental Quality Review Act requirements for schools
(All information listed here is from Environmental Quality of Schools, Regents Advisory Committee on Environmental Quality in Schools, 1994)

Health
NY CLS Educ 903: Pupils to furnish health certificates: Entering students must submit health certificates to schools. City students should be examined for sickle cell anemia.
Enforcement: NY CLS Educ 903: If such pupil does not present a health certificate as herein required, the principal or teacher in charge of the school shall cause a notice to be sent to the parents of such pupil that if the required health certificate is not furnished within fifteen days from the date of such notice, an examination will be made of such pupil as provided herein.

NY CLS 3208: Attendance, Proper Mental and Physical Condition: Children shall not be permitted to attend school if their attendance poses a safety risk to themselves or to others.

The determination of mental or physical condition under the provisions of part one of this article shall be based upon actual examination made by a person or persons qualified by appropriate training and experience, in accordance with regulations of the state education department
Enforcement: None

City:
24 RCNY Health Code §49.15: Health and medical care:
a) A school shall have a licensed physician who shall be in charge of the health care services for the children.
b) When a child is injured or becomes ill under such circumstances that immediate medical care is needed, the person in charge shall obtain necessary emergency medical care.
c) When the Department is of the opinion that any child who is attending school is in need of medical attention, the person in charge of the school shall promptly notify the parental figures of the child and also that unless they are furnished with a statement within 10 days to the contrary, the child will be examined by the school physician.
d) No child with a communicable disease shall be permitted to attend school.
Enforcement: None

24 RCNY Health Code §49.17: Medical Records: The school physician or nurse shall keep a current cumulative medical record for each child.
Enforcement: None

24 RCNY Health Code 45.09: Staff:
b) After having a communicable disease, a person in charge, teacher or any other person who associates with children shall not return to work until:

1) S/he presents a certificate of recovery issued by the Department, if he was a case of tuberculosis, a case or carrier of typhoid or paratyphoid A or B fever, or a case, carrier or household contact or diptheria or smallpox; or
2) After the period of isolation, if s/he was a case of measles, mumps, German measles, chicken pox, whooping cough, streptocaccal sore throat including scarlet fever, meningitis or poliomyelitis; or,
3) He presents a certificate of recovery issued by the Department or a physician's written statement, if he was a case or carrier of any other disease.

c) A person in charge, teacher, volunteer worker or any other person who regularly associate with children shall not be permitted to work in a school or a high school unless a tuberculin test is performed before he begins employment and thereafter at such intervals as may be prescribed by the Department as necessary for the protection of children.
d) No person in charge, teacher, substitute, volunteer worker, office worker, kitchen worker, maintenance worker or other member of the staff who regularly associates with or comes in contact with children shall be permitted to work in a school or high school unless s/he is healthy and capable of carrying out the responsibilities of his/her job and unless s/he presents, prior to beginning work, a certificate from a physician stating that s/he is physically qualified to perform his assigned duties.
Enforcement: 24 RCNY Health Code 49.15d: Records of required medical examination of such

staff members shall be kept on file at their place of employment and shall be returned to them upon their request when their employment is terminated. Such records shall also be made available to representatives of the Department for examination.

24 RCNY Health Code §45.17: Health and medical care:
a) A health inspection of all children shall be made daily by a responsible person who is familiar with the children and who is able to recognize signs of ill health.
b) The person in charge of a school or children's institution shall isolate cases and carriers of communicable disease and provide facilities for their isolation.
Enforcement: None

24 RCNY Health Code §181.03 Spitting prohibited: No person shall spit on a floor, wall or stairway of any public or private building.
Enforcement: Under New York City Criminal Courts Act §102c, magistrates are empowered to try and punish violators of this section as and for an offense punishable by a fine of not more than $25 or by imprisonment up to 10 days or both.

24 RCNY Health Code §181.05: Common towel prohibited: No person who is in charge of a school shall furnish or maintain or permit the furnishing or maintenance of a common towel for the use of more than one person.
Enforcement: None

C.R. A-701: School Health Service Requirements School Health Service Requirements:
1.1 Prior to admission to school, new entrants must have a comprehensive medical examination.
1.1 Students may not be excluded from school for lack of a physical examination. (Immunization and TB test compliance do have an exclusionary policy.)
1.2 In order to promote student's health and wellness, a comprehensive physical examination is recommended for students in grade 3, 5, 7 and 10.
3 At the beginning of each school year, elementary, intermediate and junior high school classroom teachers and high school personnel assigned to the medical room must review all students Cumulative Health Records. Any health conditions, program restrictions, or other health problems should be reported to the New York City Department of Health.
11.4 The Immunization History Form and/or Cumulative Health Record Form must be reviewed to determine the immunization status of the students. Students with an incomplete immunization status must be followed by the school until required immunizations are complete.
Enforcement: None

C.R. A-720:
IA. It is strongly recommended that school principals encourage students to obtain a pre-high school medical examination. High school principals can make the examination a prerequisite to admission.
Enforcement: None

Who to Contact:
Center for Disease Control and Prevention: 1-800-232-1311

NYC Dept of Health Complaints Hotline: 212-442-9666

Heating

State:

8 NYCRR 155.1(b)(3)(I): Educational facilities: Heating shall be provided and maintained in all areas such that conditions are produced that are suitable for the activity that is to take place in that area.

City:

24 RCNY Health Code §131.03: Heating:

a) A person who contracts to supply heat to a building or any part thereof shall furnish heat to every occupied portion of such building so that the minimum temperature prescribed shall be maintained during the appropriate times.

b) An owner, agent, lessee, superintendent or janitor of a building who has under his/her control a furnace, boiler or other heating device in such building, shall be deemed to have contracted to supply heat unless otherwise provided by express contract.

Enforcement: 24 RCNY Health Code 13103b: An owner, agent, lessee, superintendent or janitor who is required by this section to provide heat shall be liable for failure to comply with this section, and if any such person is a corporation, the president, vice-president, secretary and treasurer thereof shall also be liable.

24 RCNY Health Code 45.11: Physical Facilities: When the outside temperature is less than 55 degrees Fahrenheit, and the children are on the premises, a temperature between 68 and 72 degrees Fahrenheit shall be maintained in all parts of the building used by the children. Heating apparatus shall be equipped with adequate protective guards. Gas space heaters shall not be installed or used without the approval of the Department. Kerosene heaters are prohibited.

Enforcement: None

Who to Contact:

*Board of Education Office of Environmental Health and Safety: 718-391-6475 (Contact your custodian before contacting this office so that you can be sure that the problem is not one the custodian can handle. They will investigate and take air quality samples)

NY DEP: if burning oil or chemicals are causing problems: 718-482-4900

*Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

*State Department of Labor (overseas public employee safety rules, including airborne chemical toxins; investigates complaints; should be contacted by a public school employee and not by a parent or guardian)

New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

Immunization

State:

NY CLS Educ 914: Immunization of children: Each school shall require all entering children to show proof of immunization against polio, mumps, measles, diphtheria and rubella.

Enforcement: None

NY CLS Pub H 2164: Definitions, immunization against poliomyelitis, mumps, measles, diphtheria and rubella: Sets out standards for immunization protocol. Also discusses, what happens when child wants to enter school and is not immunized. A parent, a guardian or any other person in parental relationship to a child denied school entrance or attendance may appeal by petition to the commissioner of education in accordance with the provisions of section three hundred ten of the education law.

Enforcement: NY CLS Pub H 2164: No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school, in excess of fourteen days, evidence of the child's immunizations; provided, however, such fourteen day period may be extended to not more than thirty days for an individual student by the appropriate principal, teacher, owner or other person in charge where such student is transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.

Enforcement: NY CLS Education 310: Appeals or petitions to commissioner of education and other proceedings: Any party conceiving himself aggrieved as a result of a principal, teacher, owner or other person in charge of a school denying a child admission to, or continued attendance at, such school for lack of proof of required immunizations may appeal by petition to the commissioner of education.

10 NYCRR 2.56: Immunizations by individuals other than health care practitioners

10 NYCRR Part 66: Details immunization requirements

8 NYCRR 117.1: Scope of Part: makes provisions for the screening of children

C.R. A-710: Immunization/Mantoux (PPD):

Enforcement: Principals or person sin charge of schools who fail to comply with these without an immunization certificate or other acceptable evidence signed by a licensed medical provider.

1.1 and 1.2 set forth the immunization requirements for kids

2.3 Families of students exempt from immunizations for religious reasons should be alerted and counseled by New York City Department of Health staff when there is a disease outbreak.

3.2 In the event the parent/guardian of the student after receiving a warning letter still does not provide documentation of the needed immunization, the student must be excluded from school.

5 Only new entrants to New York City secondary schools must have a Mantoux TB skin test. Students must be given 14 school days to hav : the test done. Students with a positive test result must have a chest x-ray done within 14 school days. The NYC Dept of Health must be notified of all kids with a positive test result.

NYC DOH: to find the nearest clinic, 212-524-5226, for Spanish 212-534-5227
NYC DOH: Children of School Age—Physical Exams and Immunization 212-280-9223
NYC DOH: Communicable Disease Surveillance 212-788-4204
NYC DOH: Immunization Hotline 1-800-325-Child, for Spanish 1-800-945-6466
NYC DOH: Complaints Hotline: 212-442-9666

Inspections:
State:
8 NYCRR 155.1(d): educational facilities: The board of education of each school district is responsible for its facilities to be inspected visually each year. The standards for the inspection will be created by each school district.

12 NYCRR 802.2: Authority for Inspections: Safety and health inspectors and hygienists of the Department of labor are authorized to enter without delay and at reasonable times any building, institution, facility, construction site, establishment or other area workplace or environment where work is being performed by a public employee for the purpose of doing reasonable inspections and investigations of any place of public employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials related to that employment.
Enforcement: 12 NYCRR §802.3: Objection to inspection: If the DOL inspector is refused permission to due his/her duties, the DOL shall attempt to find out why the refusal was made and shall report the refusal immediately to his/her supervisor. If the refusal is not withdrawn, the Commissioner of Labor shall take necessary actions including the obtainment of compulsory legal process.

12 NYCRR §802.4: Advance notice of inspections: Advance notice of inspections will not be given unless there is a safety issue, or when the inspection would be enhanced by the probability of a more effective and thorough inspection. If advance notice is given, it cannot be given more than 24 hours in advance.
Enforcement: 12 NYCRR §802.3

Lead (Paint/Water Contamination):
Federal:
42 USC 300f et seq.: The Safe Drinking Water Act

40 CFR Part 141: National primary drinking water regulations,

40 CFR Part 142: National primary drinking water regulations implementation,.
Enforcement: State Department of Health is responsible for implementing lead in drinking water programs

42 USC 300j-24: Lead contamination in school drinking water: The administrator shall publish a guidance document and a testing protocol to assist schools in determining the source and degree of lead contamination in school drinking water supplies and in remedying such contamination.

This section also provides for the establishment by each state of a program to help local educational agencies in testing for and remedying, lead contamination in schools.
Enforcement: None

42 USC 300j-25: Federal assistance for State programs regarding lead contamination in school drinking water: The administrator shall make grants to States to establish and carry out State programs to assist local educational agencies in testing for, and remedying, lead contamination in drinking water from drinking water coolers and from other sources of lead contamination at schools.
Enforcement: None

No federal legislation requires testing schools for lead-based paint, soil, or dust. (Jill's book p.40)

State:
NY CLS Pub H 1370-d: Lead screening of child care or pre-school enrollees (aka Lead Poisoning Prevention Act): Each child care provider, prior to, or w/i three months after initial enrollment of a child under 6, must obtain from a parent or guardian of the child evidence that the child has been screened for lead.
Enforcement: None

NY CLS Pub Health 206: Commissioner; general powers and duties: Commissioner shall establish criteria for identification of areas and conditions involving high risk of lead poisoning.
Enforcement: None

NY CLS Pub Health §1373: Abatement of lead poisoning conditions: Whenever the commissioner or his representative shall designate an area of high risk, he may give written notice and demand, for the discontinuance of a paint condition conducive to lead poisoning in any designated dwelling in such area within a specified period of time.
Enforcement: NY CLS Pub Health 1373: In the event of failure to comply with a notice and demand, the commissioner or his representative may conduct a formal hearing upon due notice in accordance with the provisions of section twelve-a of this chapter and on proof of violation of such notice and demand may order abatement of a paint condition conducive to lead poisoning upon such terms as may be appropriate and may assess a penalty not to exceed two thousand five hundred dollars for such violation
An environmental assessment of areas a child frequents will be conducted by the State Department of Health for children with elevated lead blood levels in order to determine the source of the child's lead poisoning. The process could lead to an environmental assessment of the child's school if the home is found to be lead free. (Jill's book p.40)

10 NYCRR §67: Lead Poisoning Prevention and Control: Prior to or within 3 months of initial enrollment, each child care provider, public and private nursery school and preschool shall get a copy of a certificate of lead screening for any child at least one year of age but under the age of six. The documentation is to be retained until one year after the child is no longer enrolled. If the certificate is not provider, the child care provider, principal, teacher, owner or person in

charge will provide the parent or guardian with information on lead poisoning and lead poisoning prevention and refer the parent to a place that can do screening.
Enforcement: 10 NYCRR 67-4.8: Abatement: When the State Commissioner of Health or the City Commissioner of Health gives written notice demanding that paint condition conducive to lead poisoning be corrected, and that demand is not complied with, the enforcement procedures for Title X shall be made available to both.

City:
24 RCNY Health Code §45.12: Lead Based Paint Restricted: Kindergartens:
b) There shall be no peeling lead based paint on any surface in a kindergarten. Peeling lead based paint or peeling paint of unknown lead content shall be immediately abated with such covering , materials and by such methods as may be authorized by §173.14 of this Code.
c) Effective January 1, 1997, interior window sills and window wells accessible to children, window friction surfaces, and other surfaces in kindergartens as may be determined by the Department, containing or covered with lead based paint or paint of unknown lead content shall be abated with such covering, materials and by such methods as may be authorized by §173.14 of this code or as otherwise directed by the Department. Children shall not be present and shall not have access to any room undergoing abatement until completion of final clean-up.
e) Painted equipment must have lead-free paint.
Enforcement: None

Public Advocate's Report, "Construction vs. Children", 1996:
The City DOH can order or take actions against any lead paint hazard under its general power o abate a nuisance. In schools, it can also order lead-based paint abatement under regulations against peeling paint and lead-contaminated surfaces accessible to children. 24 RCNY 45.12, 47.01, 47.31 and 49.01

Who to Contact:
*Board of Education Office of Environmental Health and Safety: 718-391-6475 (Contact your custodian before contacting this office so that you can be sure that the problem is not one the custodian can handle. They will investigate and test lead in drinking water.)
NYC DOH: Lead Poisoning Prevention Program, 212-BAN-LEAD (226-5323) (This is not a good number to call because they don't really deal with schools, but it is a good number to call if you have a question about lead)
*NYC DOH Bureau of Environmental Investigation: 212-442-3372 (will investigate situation)
NYS DOH: Environmental Health Infoline: 1-800-458-1158
NYC DEP: 718-595-3483 (free lead test for drinking water)
NY DEC: 718-482-4900 (for lead disposal problems)
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466
Environmental Protection Agency (enforces lead abatement regulations):
Toxic Substances Program
Environmental Protection Agency
Mail Code MS 500. Building 5
2890 Woodbridge Avenue

Edison, NJ 08837
732-321-6671
Drinking Water Hotline (can help locate a lab to test water), 1-800-426-4791
National Lead Information Center 800-424-LEAD

Lighting/Radiation:

State:

NY CLS Educ 409b: Use of mercury vapor or metal halide lamps within school bldgs. They must be of the type that will self-extinguish upon breaking or they must have a shield that would protect against UV radiation if the lamp were to break.

Enforcement: NY CLS Educ 409: Jurisdiction is hereby conferred on the commissioner of education in order to provide for the enforcement of this section through rules and regulations which the commissioner shall establish.

8 NYCRR 155.1(b)(2)(I): educational facilities: Adequate levels of lighting for the tasks being performed must be provided.

City:

24 RCNY Health Code §175.201: Microwave Ovens: Microwave ovens in school shall meet emission safety criteria based upon the year the Microwave Oven was manufactured. The Bureau of Radiological health must be notified within 48 hours of the installation of a microwave in a school.

Enforcement: 24 RCNY Health Code 175.201: Any microwave oven found deficient in meeting the provisions of §175.201(c) after survey by a Department representative shall be immediately taken out of service until such deficiencies have been corrected. The Bureau of Radiological Health shall be notified within 48 hours of the completion of such repairs

24 RCNY Health Code 45.11: Physical Facilities: All parts of a building used for the care of children shall be adequately lighted by natural or artificial means. All lighting shall be evenly distributed and diffused, free from glare, flickering or shadows. Background surfaces shall be of a dull finish in colors providing low brightness differences and low contrasts. The lighting standard:

1) 50 footcandles of light in drafting, typing or sewing rooms and in all classrooms used for partially sighted children;
2) 30 footcandles of light in all other classrooms, study halls or libraries
3) 20 footcandles of light in recreation rooms;
4) 10 footcandles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers
5) 5 footcandles of light in open corridors and store rooms

Enforcement: None

Who to Contact:
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

Miscellaneous
State:
NY CLS CPLR §214: Statute of limitations: An action for an injury must be commenced within 3 years for an action to recover damages for a personal injury except as in 214b, 214c, and 215.

Noise:
38 RCNY § 8-06: Prohibitions: The police department will not issue a sound device permit for any location within 500 feet of a school during hours of school.
Enforcement: None

Public Advocate's Report, "Construction vs. Children," 1996 says to contact:
Bureau of Air, Noise and Hazardous Materials
Department of Environmental Protection
59-17 Junction Blvd
Corona, NY 11368

OSHA:
12 NYCRR §800.3: Adoption of Standards: The Commissioner of Labor adopts Parts 1910, 1915, 1917, 1918, 1926, and 1928 of title 29 of the Code of Federal Regulations.

12 NYCRR §800.4 Availability of Standards: A copy of the standards adopted here can be obtained from the New York Department of State in Albany, the Department of Safety and health in either Albany or NYC, or it can be purchased from the Superintendent of Documents, United States Government Printing Office in Washington DC.

PESH
NY CLS Labor §27-a: Safety and health standards for public employees: Every employer shall provide employment and a place of employment free from recognized hazards that are casing or are likely to cause death or serious physical harm to its employees. In addition every employee will provide reasonable protection to the lives, safety or health of its employees.
Enforcement: NY CLS Labor §27-a: Any employee or representative of employees who believes that a violation of a safety or health standard exists, or that an imminent danger exists, may request an inspection by giving notice to the commissioner of such violation or danger. No employee who accompanies the commissioner on an inspection shall suffer any wage reduction. If the industrial commissioner determines that an employer has violated a provision of this section, or a safety or health standard or regulation promulgated under this section, he or she shall with reasonable promptness issue to the employer an order to comply which shall describe the nature of the violation including any reference to the provision of this section, standard, or regulation or order alleged to have been violated and shall fix a reasonable time for compliance. When the commissioner issues an order to an employer, the employer must post that notice to the employees.

Who to Contact:

*State Department of Labor (overseas public employee safety rules, including airborne chemical toxins; investigates complaints; should be contacted by a public school employee and not by a parent or guardian)

New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

Plans for Future/Grants:

State:

NY CLS Educ § 2590: Educational facilities master plan: The chancellor will create an educational facilities master plan to take effect on July 1, 1989, which describes all necessary actions to restore the city's educational facilities to a state of good repair by January first, two thousand. The plan will set forth the minimum acceptable standards for each type of educational facility in addition to stating the number of facilities that do not meet that standard. The plan will also the facility defects and shortcomings that most seriously impede learning and teaching. It will describe the remedial measures proposed to be taken and will establish priorities for their initiation and completion. Finally, the plan will list each proposed new educational facility and set forth a justification, including demographic data, that documents the long-term need for it.

NY CLS Educ § 3641: Aid for rebuilding schools to uphold education (RESCUE). School districts shall be eligible for money for eligible school construction projects and for eligible minor maintenance and repair projects The money for any such eligible project shall initially be available in the state fiscal year commencing April first, nineteen hundred ninety-nine, provided that applications for approval of such eligible projects by the commissioner may be processed hereunder prior to such date.

NY CLS ECL 56-0609: Clean air for schools projects: $125,000,000 of the money the state received from the Clean Water/Clean Air Bond Act of 1996 will be made available to school districts for clean air for schools projects.

Radon:

There are no Federal or State laws or regulations requiring schools to:

1) conduct radon tests
2) report any voluntary radon testing
3) notify the school community of any radon tests

(All information listed here is from Environmental Quality of Schools, Regents Advisory committee on Environmental Quality in Schools p.46)

Who to Contact:
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

Recreation/Playground:
State:
NY CLS Educ 2556(5): Buildings, sites, et cetera: It shall be unlawful for a schoolhouse to be constructed in the city of New York without an open-air playground attached to or used in connection with the same.
Enforcement: None

8 NYCRR 155.1©(1): Educational facilities: All building sites shall have the right number of grounds for outdoor activities. In elementary schools the right amount is three acres minimum plus one acre for each 100 pupils thereafter. In secondary schools the right amount is 10 acres plus one acre for each 100 pupils thereafter. This can be waived with the commissioner's approval.

8 NYCRR 155.6: School swimming pools: When in use, all school swimming pools must be under the personal supervision of a lifeguard possessing a minimum qualification of a current senior lifesaving certificate from the American Red Cross pr an equivalent agency.
City:
24 RCNY Health Code §49.13: Recreation; outdoor play: Children kept on the school premises for more than five hours a day shall not be required to devote more than five hours a day to classroom work and study, except for religious training. They shall be permitted to spend excess time in play, rest or recreation. Except during inclement weather, the outdoor play space shall be used for this purpose whenever possible.
Enforcement: None

24 RCNY Health Code 45.11: Physical Facilities: Indoor and outdoor play areas shall be available for the use of the children. Such play areas shall be safe, clean, easily accessible, adequate in size and suitable for the needs of the children. A shady area shall be available in outdoor play areas used during the summer months.
Enforcement: None

24 RCNY Health Code 45.13: Equipment and furnishings: In the indoor and outdoor play areas, sufficient play equipment shall be provided which is appropriate to the stage of development of the children and which is designed to foster physical and motor development. The equipment shall be easily accessible to the children, readily washable, clean, in good repair and free from hazards such as sharp or pointed parts, or toxic or poisonous finishes or materials.
Enforcement: None

Who to Contact:
Office of School Facilities, Chief Executives Office, Pete Smith: 78-391-6466
Some playgrounds are maintained jointly between the Board of Education and the New York City Parks Department. If your playground is one of these, than you should contact the Parks

Department in addition to contacting the Office of School Facilities.

Rodents and Insects/Pesticides:

24 RCNY Health Code 151.03: Eradication measures; mandatory extermination; conditions conducive to rodent or insect and other pest life prohibited: All buildings and yards must be kept free from rodents, insects, and other pests. All buildings must be kept free from conditions that might lead to rodent, insect or other pest infestation. The person in control shall not let water, garbage or other waste accumulate. All garbage should be deposited in tightly covered, watertight metal cans. If the building is infested, the person in control shall act to eliminate the problem.

Enforcement: 24 RCNY Health Code 151.03c: When the Department of Health makes the determination that a building is infested, it may order the person in control to take such eradication measures as the Department deems necessary.

Who to Contact:

NYC DOH: 212-442-1999 (We tried calling this number, but there was no answer, feel free to try it yourself—someone may answer and be helpful)

*State Department of Labor (overseas public employee safety rules, including airborne chemical toxins; investigates complaints; should be contacted by a public school employee and not by a parent or guardian)

New York City District
345 Hudson Street
Mail Stop 7F PO Box 683
New York, NY 10014
Tel. (212) 352-6132
Fax (212) 352-6138

NYS Ed Dept: Provides information to schools regarding pesticide applicator certification and integrated pest management.

*Division of School, Food and Nutrition Services 718-729-6100

Sanitation:

City:

24 RCNY Health Code §131.11: Receptacles for removal of waste materials: The owner, lessee, agent, occupant or other person who manages or controls a building shall provide and maintain separate receptacles for the deposit of 1) incinerator residue and ashes; 2) refuse; and 3) liquid waste.

Enforcement: 24 RCNY Health Code 131.11: The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the Department of Sanitation, the Department of Health,

New York City Criminal Court Act §95: a magistrate is empowered to try and punish violations of this section (24 RCNY Health Code 131.11) as an offense punishable by not more than a $25 fine or ten days' imprisonment, or both.

Who to Contact:
NY DEC: for disposal problems: 718-482-4900
Division of School Food and Nutrition Services: 718-729-6100
NYC Dept of Health Complaints Hotline: 212-442-9666

Smoking:
State:
NY CLS Educ 409: School bldg. regulations in relation to health and safety: Tobacco use shall not be permitted and no person shall use tobacco on school grounds. However, adult faculty and staff members can smoke, during on-school hours, in a designated smoking area.
Enforcement: None

NY CLS Pub H 1399-o: Smoking restrictions: No person shall smoke in a school, unless there is a designated smoking area.
Enforcement: None

City:
24 RCNY Health Code §181.17: Smoking prohibited in certain areas: It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette or pipe in any classroom except that the person in charge may designate a special area, unless otherwise prohibited by the Fire Department or by other law.
Enforcement: None

NYC Admin Code 27-508.3: Tobacco product advertisement restriction: It is against the law to advertise tobacco products in any outdoor area within one thousand feet of a school or playground. It is also against the law to place a tobacco product advertisement in the interior of a building, specifically within five feet of any exterior window or door that is within 1000 ft of a school or playground.
Enforcement: None

Who to Contact:
NYC Dept of Health Complaints Hotline: 212-442-9666

Space:
State:
8 NYCRR (b)(2)(iv): Educational facilities: Teaching spaces shall be properly proportioned as to size and shape of room.

City:
24 RCNY Health Code §49.07: Physical facilities: The minimum allowance of space for each child in a classroom shall be 15 square feet of net floor space, that is, available space exclusive of furniture. Children shall not be permitted in a school or in a classroom in excess of the number

allowed by this subsection except in the event of "a temporary emergency."
Enforcement: None

Who to Contact:
Contact local superintendent to resolve overcrowding problems.
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

Staff Generally:
City:
24 RCNY Health Code §45.09: Staff: Constant and competent supervision by an adequate staff shall be maintained for all children in a school. No child or group of children shall be unsupervised at any time.
Enforcement: None

Tuberculosis:
City:
24 RCNY Health Code §49.05: Mandatory tuberculosis examination: Before being admitted to school, or as soon as possible after admission, each child must have a thorough medical examination by a physician or by a physician's associate or specialist's assistant. The examiner must be authorized to conduct such examination pursuant to regulations promulgated by the State Commissioner of Health. The examiner must give the school a signed statement containing a summary of the results of the examination, the past medical history of the child, and, if a disease or abnormality is found, recommendations for exclusion or treatment of the child, or modification of the child's activities, or plans for the health supervision of a handicapped child.
Enforcement: 24 RCNY Health Code §49.05: If the child does not present the statement to the school, the school must notify the parents or guardian that unless the child is examined and presents a signed statement within ten days of receipt of the notice, the child will be examined by the school physician, physician's associate or specialist's assistant.

24 RCNY Health Code §49.06: Mandatory tuberculosis examination: A new entrant child will not be permitted to remain in a secondary school for more than 14 days unless a parent or guardian or custodian gives the school a certificate of a tuberculosis examination that shows that the child has undergone a tuberculosis examination within the previous year.
If, during the 14 day period the person in parental relation to the child can furnish a TB exam certificate that shows a significant reaction to the skin test but no reading of a chest x-ray, the child will be allowed to attend school for an additional 14 days. The principal or person in charge of a secondary school must file a report with the Department's Bureau of Tuberculosis Control that included info about the new entrant students and their test results. (Whole thing can be waived for religious beliefs, or if physician says the test would be detrimental to the child's health or that the child has previously been treated for TB)
Enforcement: 24 RCNY Health Code §49.06: If the person in a parental relationship to the child does not show a reading of a chest x-ray within the second 14 day period, the child will be excluded from school until the complete certificate is furnished.

Who to Contact:
NYC DOH: 212-788-4162 or 212-553-4283
NYC Dept of Health Complaints Hotline: 212-442-9666

Windows/Ventilation/Air Supply/Window Guards:
8 NYCRR 155.1(b)(2)(iii): Educational facilities: Teaching areas must have a window arrangement that allows for a view of the outside unless commissioner's approval has been received.

City:
24 RCNY Health Code 45.11: Physical facilities: Proper and sufficient ventilation, by natural or artificial means, shall be provided in each room used by the children pursuant to §C26-266.0 of the Administrative Code. The windows, inlets and outlets shall be located and the rate of air flow shall be controlled so as not to subject the children to drafts. Windows in rooms above the ground floor shall be safely guarded when the window sills are so low as to present a safety hazard to the children.
Enforcement: None

NYC DOH: Window Falls Prevention: 212-676-2158 actually only enforces for residential buildings, not schools
Office of School Facilities, Chief Executives Office, Pete Smith: 718-391-6466

NYC DOH: General complaints 24/7 Hotline 212-442-9666
NYC DOH: Bureau of School Health 212-676-2500

Under the State Education Law, the New York City Board of Education is ultimately responsible for all designing and inspection necessary in connection with construction and renovation of schools. Education Law 408(5).